

Remarks

Claim 10 has been amended to overcome the rejection under 35 U.S.C. § 112.

Claim 1 has been amended to recite the water content of 50% in the homogenate as disclosed at page 12, paragraph 46 of the specification. Claim 1 also has been amended to recite a maximum moisture content of 10% in the pellets as set forth at page 15, paragraph 57 of the specification and to recite that the pellets are rehydratable to mashed potatoes.

Referring to ¶ 6, the rejection of Claims 1, 2, 5-7, 10-13, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Bhaskar '463 is respectfully traversed. The '463 patent discloses a process for making expandable pellets which can be expanded into potato-based snack products by frying, air puffing or microwave cooking. (Column 2, lines 5-7). There is no suggestion that this product is rehydratable to make mashed potatoes.

The '463 process mixes the potato and other ingredients with water in a preconditioner, illustrated as a paddle mixer. As set forth in Claim 6, the hydrated meal exits the preconditioning step at a maximum water content of 36%. The hydrated meal is fed to an extruder and then dried to pellets having a moisture content of 12% to be processed into a snack product. There is no addition of dry potato products to the meal prior to forming the pellets.

Claim 1 as amended is substantially different from the '463 patent. Some differences are as follows:

(1) The process of Claim 1 produces dry pellets which are rehydratable to mashed potatoes, neither disclosed nor suggested by the '463 patent.

(2) The pellets of Claim 1 have a maximum moisture content of 10%, less than the 12% moisture of the snack products in the '463 patent.

(3) There is no suggestion that the paddle mixer of the '463 patent would homogenize the ingredients to form a stable emulsion, a characteristic of homogenization, as detailed in the specification at page 9, paragraph 35.

(4) The maximum moisture content of the homogenate of Claim 1 is 50% compared to the 36% of the '463 patent.

(5) The homogenate of Claim 1 is pumpable as defined at page 13, paragraph 48. There is no suggestion that the '463 preconditioned meal would be pumpable.

(6) In step (c) of Claim 1, after homogenizing, the homogenate is mixed with a second portion of dried potato pieces. There is no suggestion of adding potato pieces to the preconditioned meal of the '463 patent.

The above differences of Claim 1 provide an economical process for producing dehydrated potato pellets rehydratable to mashed potatoes. The '463 patent is a process for making a puffable snack product. There is no suggestion of modifying the parameters of the snack food process of the '463 patent to the process of Claim 1 to make a rehydratable potato product.


Referring to Claim 10, the dehydrated product produced by the process of Claim 1 is rehydrated to mashed potatoes, neither disclosed nor suggested by the '463 patent.

Referring to ¶ 7, applicants traverse the rejection of Claims 3, 4, 8, 9 and 14 over the '463 patent in view of Claim 1 of the EP reference. The EP reference discloses fresh potatoes as one of the ingredients of the potato mixture recited in ¶ 7. However, the EP reference does not supply any of the deficiencies set forth above of the '463 patent. Further, there is no suggestion in either reference of any reason to make the combination, and the combination is improper.

Applicants respectfully submit that the claims are now in condition for allowance and early notification to that effect is respectfully requested. If the Examiner has any questions, a telephone call to the undersigned at (415) 781-1989 is requested.

If any fees are required in connection with this response please debit our Deposit Account 50-2319 (467637-415)/DJB.

Respectfully submitted,

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